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AI Index: ASA 21/08/84
Distr: SC/CO/PO/PG

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DATE: 3 August 1984

STATEMENT ON EAST TIMOR

Amnesty International continues to be gravely concerned at the situation of human rights in East Timor. In a statement issued in August 1983, Amnesty International noted with concern that, since the invasion of East Timor in December 1975, Indonesian forces in the territory had engaged systematically and persistently in serious human rights violations. At that time Amnesty International noted that it had received over several years reports from a variety of sources of human rights violations of the most serious kind: of the "disappearance" and summary or arbitrary execution of non-combatants; of the torture and ill-treatment of persons taken into the custody of Indonesian forces, including their detention in cruel and inhuman conditions; and of the imprisonment without charge or trial of persons often held on suspicion of opposition to the Indonesian occupation. Moreover, army manuals containing guidelines issued by the Indonesian military command in East Timor, copies of which had come into Amnesty International's possession, provided direct evidence that these violations had been officially condoned.

Since August 1983, further such arrests, killings and "disappearances" are reported to have taken place. In the past year, the Indonesian authorities have also brought to trial a number of East Timorese charged with offenses of a political nature. In view of the reports indicating that Indonesian forces in East Timor have continued to operate outside the framework of the law and of information casting doubt on the fairness and impartiality of the trial proceedings themselves, Amnesty International does not regard this development as marking a significant improvement in the human rights situation in the territory. Moreover, while Indonesian officials have denied outright the authenticity of the military manuals, neither the Indonesian Government nor any other body or person has produced evidence to substantiate such a claim in the year since the manuals were made publicly available to Amnesty International. Furthermore, there is no evidence that the Indonesian authorities have taken steps to countermand standing policies whose outcome has been the perpetration of torture and extrajudicial killings, or that they have instituted or enforced safeguards which might prevent the recurrence of these violations.

In August 1983 a ceasefire established in March of that year between Indonesian and Fretilin forces broke down and substantially increased numbers of Indonesian troops were deployed in the territory as part of an offensive aimed at finally eliminating Fretilin as a fighting force. At the time Amnesty International noted with concern that in the past in East Timor the most severe violations of human rights had been associated with increased military activity and expressed the fear that this latest offensive might lead to further violations

of the rights of the people of East Timor. This fear was borne out by subsequent events.

Amnesty International has received several reports of arbitrary killings of non-combatants in connection with the offensive. One report received from several mutually independent sources alleged that as many as 200 persons in the village of Kraras, Viqueque, were killed by Indonesian troops in reprisal for the killing of 16 Indonesian soldiers on 8 August 1983. More recently, Amnesty International has received reports of killings of persons taken into the custody of Indonesian forces in places throughout the territory, some of which are reported to have occurred as recently as May 1984.

Amnesty International also understands that several hundred persons have been arrested in East Timor since August 1983, particularly in the areas of Dili, Baucau and Viqueque. A substantial number of these persons have simply "disappeared", some of those known to Amnesty International by name being now feared to have been killed after being taken into custody. Others are reported to have been sent to places of detention outside East Timor proper, to Bali or to the island of Atauro offshore mainland East Timor, where they are held without charge or trial. Others are understood to have been brought to trial since December 1983 under a new policy described by the Indonesian-appointed Governor of East Timor as intended to bring to trial all persons now in detention. Amnesty International has been informed by the Indonesian Government that 23 persons had been brought to trial as of the end of March 1984; that these person had, with the exception of one person who received a two-month sentence, received sentences of between six and 17 years on charges under Article 110 of the Indonesian Criminal Code covering offenses against the state; and that 200 other cases were scheduled to be prosecuted in the civil Dili district court. Amnesty International is concerned about several aspects of these trials. Information reaching Amnesty International indicates that while the trials may be in principle open to the public, no public announcement about the trials has been made in East Timor, and even the relatives of the defendants have not, reportedly, been able to attend the trials. Amnesty International is also concerned that the defendants may have not been provided with proper legal counsel of their own choosing and that they may not have had adequate time and facilities for the preparation of their defence.

Amnesty International is also gravely concerned that even as trials have been taking place in Dili, there have been continuing reports of human rights violations at the same time as the trials took place. Thus while 23 persons had been brought to trial as of the end of March 1984, substantially larger numbers are believed to have been killed or to have "disappeared" in the period since August 1983 and the pattern of human rights violations established over several years is not believed to have changed to any significant degree. Indeed, even the whereabouts of the 23 persons brought to trial as of the end of March 1984 are not known. Amnesty International has received information that these persons may be in detention on Bali, in Jakarta or elsewhere, but these reports remain unconfirmed.

Amnesty International received information from the Indonesian Government about the trials in East Timor in a letter responding to a request from Amnesty International to send a delegation to observe the trials. Amnesty International was informed that the Indonesian Government did not see any cause for Amnesty International to send a delegation to observe the trials which were, in the words of the letter, "essentially a matter of domestic jurisdiction". Amnesty International believes that any trials must be in conformity with international legal standards for fair trials, as set out, for example, in Article 14 of the International Covenant on Civil and Political Rights, and in particular believes that such trials must be public and open to international observers in order that their conformity with such standards can be ascertained.

In general, Amnesty International believes that, in view of the evidence that the situation of human rights in East Timor continues to be grave, access to the territory by international bodies should be facilitated, and the organization is thus concerned at the difficulties faced by international organizations, most particularly the ICRC, in gaining such access in the past year. In his recent report on the question of East Timor, the UN Secretary-General expressed his desire for a full resumption of the ICRC's activities in East Timor. In particular he emphasised the ICRC's protection activities and his concern that the ICRC be allowed access to all detention centers in the territory in accordance with an agreement reached with the Indonesian Government in December 1983. In this context, Amnesty International believes that it is important that the international community through the United Nations should continue to keep the situation of East Timor under active consideration.